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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/509,588	03/29/2000	OTGER WEWERS	112740-033	9579

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EXAMINER
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MILORD, MARCEAU

ART UNIT	PAPER NUMBER
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2682

10

DATE MAILED: 09/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/509,588

Applicant(s)

WEWERS, OTGER

Examiner

Marceau Milord

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al (US Patent No 5335276) in view of Stern et al. (WO 97/14222).

Regarding claim 3, Thompson discloses an integrated circuit (82 of figs. 7-8) in a communications terminal device (fig. 1, figs. 7-8; col. 2, line 54- col. 3, line 20; col. 10, lines 63-68) comprising: a microcontroller (180 of fig. 10) a radio-cell specific logic module (100 of figs. 10, 7 and 8 which is a module; col. 4, line 12- col. 5, line 68; col. 10, line 46- col. 11, line 12); a digital signal processor (76 of figs. 7-8) for digital voice processing (col. 11, lines 13-37; col. 17, lines 58- col. 18, line 26); and an interface (100 of figs. 7-8, and 10) to a digital voice memory (184 of figs. 7-8, and 10 ; col. 10, line 55- col. 11, line 37; col. 15, line 38- col. 16, line 36)

However, Thompson does not specifically disclose the feature of a call-answering functionality that is enabled by the microcontroller in combination with the digital voice memory.

Stern et al, on the other hand, discloses in figure 1, a personal voice server system which comprises a highly integrated voice chip, a flash memory coupled to the voice chip, and a control software operating a control processor in the voice chip. This portable device permits the user to

Art Unit: 2682

record, edit, play and review voice messages and other audio material which can be received from, and transmitted to a remote device processing or interactive voice response host computer over a communication link. This device also contains its own power source, integrated circuitry and control buttons to permit the localized recording, editing, storage and playback of audio signals through a built-in speaker, microphone, and a removable card (page 4, lines 11-38; page 5, lines 1-19; page 6, line 30- page 7, line 33; page 8, lines 4-26). Furthermore, Stern shows in figure 2, at block 210, the modem, in response to a ring, answers the call, completes its handshake procedure, and begins receiving information. Data bits from the modem are received by voice chip 12, and the voice chip decodes the incoming data at block 214, etc (page 9, line 26- page 10, line 21). In addition, Stern et al discloses a portable speech-recording device that comprises a memory card, which is necessary for the functioning of the speech-recording device. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Stern to the communication system of Thompson in order to use a telephone link as a communication link for high speed transmission of pre-recorded material and control codes to facilitate that transmission, limiting the use line for voice messaging as a recording or playback device.

Regarding claims 4 and 8, Thompson as modified discloses an integrated circuit in a communications terminal device (fig. 1, figs. 7-8; col. 2, line 54- col. 3, line 65) comprising: a microcontroller (180 of fig. 10) a radio-cell specific logic module (100 of figs. 10, 7 and 8; col. 4, line 12- col. 5, line 68; col. 10, line 46- col. 11, line 12) wherein call-answering software is deposited in the microcontroller (col. 7, line 22- col. 8, line 55).

Art Unit: 2682

Regarding claims 5 and 9, Thompson as modified discloses an integrated circuit in a communications terminal device (fig. 1, figs. 7-8; col. 2, line 54- col. 3, line 65) comprising: a microcontroller (180 of fig. 10) a radio-cell specific logic module (100 of figs. 7-8, 10; col. 4, line 12- col. 5, line 68; col. 10, line 46- col. 11, line 12) wherein the microcontroller, the radio cell-specific logic module and the digital signal processor are connected to one another via an internal bus system (64 of figs. 7-8; col. 9, line 55- col. 10, line 68).

Regarding claims 6 and 10, Thompson as modified discloses an integrated circuit in a communications terminal device (fig. 1, figs. 7-8; col. 2, line 54- col. 3, line 65) comprising: a microcontroller (180 of fig. 10) a radio-cell specific logic module (100 of figs. 7-8, and 10; col. 4, line 12- col. 5, line 68; col. 10, line 46- col. 11, line 12) wherein the digital voice memory also is connected to the internal bus system (64 of figs. 7-8; col. 9, line 55- col. 10, line 68).

Regarding claim 7, Thompson discloses a mobile radio device (50 of fig. 1 or 90 of fig. 8) for wireless linking to a cellular radio network according to the DECT standard (fig. 1, figs. 7-8; col. 2, line 54- col. 3, line 65), comprising: an integrated circuit (82 of figs. 7-8) having a microcontroller (180 of fig. 10), a radio cell-specific logic module (100 of figs. 7-8, and 10; col. 4, line 12- col. 5, line 68; col. 10, line 46- col. 11, line 12); a digital signal processor (76 of figs. 7-8) for digital voice processing (col. 11, lines 13-37; col. 17, lines 58- col. 18, line 26); and an interface (100 of figs. 7-8, 10) to a digital voice memory (184 of figs. 7-8, and 10 ; col. 10, line 55- col. 11, line 37; col. 15, line 38- col. 16, line 36).

However, Thompson does not specifically disclose the feature of a call-answering functionality that is enabled by the microcontroller in combination with the digital voice memory.

Art Unit: 2682

Stern et al, on the other hand, discloses in figure 1, a personal voice server system which comprises a highly integrated voice chip, a flash memory coupled to the voice chip, and a control software operating a control processor in the voice chip. This portable device permits the user to record, edit, play and review voice messages and other audio material which can be received from, and transmitted to a remote device processing or interactive voice response host computer over a communication link. This device also contains its own power source, integrated circuitry and control buttons to permit the localized recording, editing, storage and playback of audio signals through a built-in speaker, microphone, and a removable card (col. 4, lines 11-38; col. 5, lines 1-19; col. 6, line 30- col. 7, line 10). Furthermore, Stern shows in figure 2, at block 210, the modem, in response to a ring, answers the call, completes its handshake procedure, and begins receiving information. Data bits from the modem are received by voice chip 12, and the voice chip decodes the incoming data at block 214, etc (page 9, line 26- page 10, line 21). In addition, Stern et al discloses a portable speech-recording device that comprises a memory card, which is necessary for the functioning of the speech-recording device. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Stern to the communication system of Thompson in order to use a telephone link as a communication link for high speed transmission of pre-recorded material and control codes to facilitate that transmission, limiting the use line for voice messaging as a recording or playback device.

#### Response to Arguments

2. Applicant's arguments filed on 7-2-2003 have been fully considered but they are not persuasive.

Art Unit: 2682

Applicant's representative argues that a call answering a call-answering functionality that is enabled by the microcontroller in combination with the digital voice memory.

However, Stern shows in figure 2, at block 210, the modem, in response to a ring, answers the call, completes its handshake procedure, and begins receiving information. Data bits from the modem are received by voice chip 12, and the voice chip decodes the incoming data at block 214, etc (page 9, line 26- page 10, line 21). In addition, Stern et al discloses a portable speech-recording device that comprises a memory card, which is necessary for the functioning of the speech-recording device.

Thompson also discloses a radiotelephone in which different application modules can be connected. These modules comprise storage device, software program and electrical circuits for speech recognition. The Examiner still believes that these references were used to disclose such feature as they were applied in the above rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marceau Milord whose telephone number is 703-306-3023. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

  
MARCEAU MILORD

Marceau Milord  
Examiner  
Art Unit 2682

Application/Control Number: 09/509,588

Art Unit: 2682

Page 7